

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAIMUNDO NASCIMENTO,

Plaintiff,

Case No.: 07 CV 5468 (GEL)

- v. -

**NOTICE OF MOTION TO DISMISS
COMPLAINT**

ESSEX INSURANCE COMPANY, U.S.
UNDERWRITERS INSURANCE
COMPANY and THE BURLINGTON
INSURANCE COMPANY

Return Date: August 13, 2007

Defendants.

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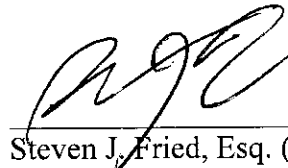
PLEASE TAKE NOTICE that on August 13, 2007, or as soon thereafter as counsel may be heard, defendant Essex Insurance Company, by and through its undersigned attorneys, will move, before the Hon. Gerard E. Lynch, at the United States Courthouse, United States District Court for the District of New York, 500 Pearl Street, New York, New York for an Order dismissing the entire Complaint, per Rule 12(b)(6) of the Federal Rules of Civil Procedure because the Complaint fails to state a claim upon which relief can be granted.

In support of the within motion, defendant will rely upon the attached Certification of Steven J. Fried, Esq. and Defendant's Memorandum of Law.

Dated: July 20, 2007

CLAUSEN MILLER P.C.

By:



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